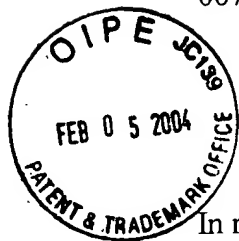


PCT

00766.000052

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MICHIO ICHIMURA, et al.

Application No.: 09/856,617

Filed: May 24, 2001

For: NOVEL POLYPEPTIDE

)
: Examiner: Barbara A. Campbell
)
: Group Art Unit:
)
: Confirmation No. 3220
)
: February 4, 2004

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Attn: Derek A. Putonen**Attorney Advisor****Office of PCT Legal Administration**REQUEST FOR RECONSIDERATION OF PETITION

Sir

Applicants received a Decision on Petition dated January 21, 2004 in the above-identified application. The Decision points out that the most recently-submitted (January 22, 2003) Computer-Readable Form of record erroneously identifies SEQ ID NO:8 as containing 1469 nucleotides at line 2036, in contrast to the 1472 presented. For this reason, the January 22, 2003 Response was deemed defective and this Application held abandoned.

This error, which Applicants were previously unaware of, is now attended to in the accompanying Paper Copy (Tab A) and CRF (Tab B). The Paper Copy and the CRF are identical; moreover, no new matter is added.

The June 6, 2003 "Notification of Defective Response Abandonment" noted that Applicant failed to properly respond to the January 9, 2003 Notification of Missing Requirements and held this application abandoned, despite that Applicants' January 22, 2003 submission was clearly a *bona fide* response.

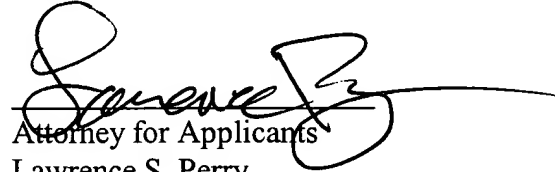
Moreover, subjectively it was thought the January 22, 2003 submission attended to all the errors in the CRF. Certainly the January 22, 2003 submission attended to all the errors noted by the Patent and Trademark Office; the January 9, 2003 Notification made no mention of an error in line 2036. That is to say, the January 22, 2003 submission objectively responded to all the errors pointed out as being in the CRF as well.

Respectfully submitted, it seems draconian to penalize Applicants for not attending to the correction of errors that were not complained of. That is to say, the undersigned is happy to submit the accompanying paper and CRF to address this, or any other Patent Office concerns, but wishes only to have the opportunity (whether by way of a PTO "non-responsive" notification or otherwise) to do so. That is what was sought by the June 19, 2003 Request, e.g., a simple Withdrawal of Abandonment. That too, is what is sought here now.

As before, any fees required to process this Request may be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence S. Perry", with a long horizontal flourish extending to the right.

Attorney for Applicants
Lawrence S. Perry
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-2200
Facsimile: (212) 218-2200

NY_MAIN 405313v1